

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA**

In re:

**SHERRI LEE GUNDERSON,**  
  
Debtor.

Case No. **15-60526-7**

***ORDER***

At Butte in said District this 7<sup>th</sup> day of June, 2019.

In this Chapter 7 bankruptcy, the Trustee filed a “Motion for Authority to Sell Property Free and Clear of Liens and Encumbrances (11 U.S.C. §§ 363(b), (f) & (h))” (“Motion”) on May 21, 2019, at ECF No. 68, seeking authorization to sell certain real property located at 1213 Mapuana Street, Kailua, HI 96734 free and clear of all liens and encumbrances, to the person/entity who makes the “highest and best offer” for the purchase of the same in writing to the Trustee, or his Agent, Michael Crane, on or before Friday, June 14, 2019, at 5:00 p.m., MDT, subject to those additional conditions or specifications as further set forth in the Trustee’s Motion. The Trustee’s Motion was modified by a Stipulation filed June 5, 2019, at ECF No. 79, which was approved on June 6, 2019, wherein the Trustee and Bayview Loan Servicing, LLC, as the loan servicer for The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-64CB, Mortgage Pass-Through Certificates, Series 2005-64CB, which holds

an undisputed first position lien on the subject real property, agreed that the payoff amount due and owing to Bayview Loan Servicing, LLC at the time of closing on the sale of the real property shall be in the sum of \$571,200.00.

Having reviewed the Trustee's Motion, and no objections having been received after notice,

IT IS HEREBY ORDERED that the Trustee's Motion filed at ECF No. 68 is granted; and the Trustee is authorized to sell, free and clear of all liens and encumbrances (with valid liens attaching to the sale proceeds), to the person/entity who makes the "highest and best offer" for the purchase of the same in writing to the Trustee, or his Agent, Michael Crane, on or before Friday, June 14, 2019, at 5:00 p.m., MDT, and in accordance with the terms set forth in the Trustee's Motion, as amended by the Stipulation filed at ECF No. 79, that real property located at 1213 Mapuana Street, Kailua, HI 96734 and is further described as follows:

All of that certain parcel of land situate at Kailua, District of Koolau, City and County of Honolulu, State of Hawaii, described as follows:

Lot 742, area 8,115 square feet, more or less, as shown on Map 141, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1508 of Louise Loo.

Together with an easement for any and all purposes to be used and enjoyed in common others legally entitled over, across, along, upon and under Easement 40 feet wide, as shown on Map 2 of said Land Court Application No. 1508; Provided, however, that if and when said easement area shall be conveyed to or acquired by the City and County of Honolulu, State of Hawaii or any other governmental authority for use as a public highway, then and in such event, all private rights in the easement area shall forthwith terminate.

IT IS FURTHER ORDERED the Trustee be authorized to make those disbursements

from the sale proceeds as described herein in the sum of \$571,200.00 at the time of closing to satisfy the first position lien against the subject real property, pay outstanding real estate taxes and HARPTA tax, pay closing costs, title insurance, and a real estate broker's commission approved by the Court, with the net proceeds from the sale in the minimum amount of \$30,000.00 (the "carve out" payment to the estate) to be held in escrow until such time as they are Ordered to be released by the Court and paid to the Chapter 7 Trustee for the benefit of creditors of this estate.

IT IS FURTHER ORDERED that Trustee shall promptly file a Report of Sale as required by Fed. R. Bankr. P. 6004(f)(1) upon completion of said sale.

BY THE COURT:



Hon. Benjamin P. Hursh  
United States Bankruptcy Court  
District of Montana